

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**GATEWAY SENIOR
HOUSING, LTC., et al.**

V.

MMA FINANCIAL, INC., et al.

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NO. 1:06-CV-458

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

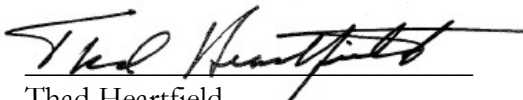
Defendants filed a motion to strike plaintiffs' jury demand asserting that the parties' contract contains a waiver of their right to a jury trial. The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, pursuant to a Referral Order filed on June 11, 2007. Judge Hines concluded that there was a valid contractual waiver of the right to trial by jury, defendants did not relinquish their right to assert the waiver, and plaintiffs failed to demonstrate prejudice by defendants' delay in seeking to strike the jury demand. The court has received and considered the report of the United States magistrate judge, who recommends that the court grant defendants' motion to strike plaintiffs' jury demand.

The magistrate judge's report is hereby **ADOPTED**. It is further

ORDERED that defendants' motion to strike the jury demand (Docket No. 43) is **GRANTED**. The purpose of the referral having been served, it is further

ORDERED that the reference to the magistrate judge is **VACATED**.

SIGNED this the **30** day of **October, 2007**.


Thad Heartfield
United States District Judge